

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



June 21, 2002

Regulation Packages 0102-02 and 1201-22

CDSS MANUAL LETTER NO. FS-02-03

TO: HOLDERS OF THE FOOD STAMP MANUAL, DIVISION 63

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/FoodStamps_618.htm.

Regulation Package #0102-02**Effective 3/1/02****Sections 63-102, 63-103, 63-300, 63-301, and 63-503**

On November 21, 2000, the United States Department of Agriculture (USDA) issued a final rule amending Food Stamp Program regulations to implement several provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and subsequent amendments to those provisions made by Public Laws 104-208, 105-33, and 105-185. These regulations are also known as the Noncitizen Eligibility and Certification Provisions, Federal Register, Vol. 65, No. 225, November 21, 2000 (65 Federal Register 70134).

These regulation changes are beneficial to applicants and recipients of the Food Stamp Program. They include less restrictive application procedures for scheduling application interviews, and they mandate that an application cannot be denied prior to the 30th day of application. This ensures that county welfare departments (CWDs) hold the application for 30 days before taking action against the household. The OMB-approved rules also safeguard the recipient's right to be notified in advance of the county taking action to terminate the case. The CWD must clearly notify the food stamp household of any information that is needed, and allow 10 days for the household to respond before any action can be taken against the household, such as termination of benefits.

There is also a new requirement for determining whether a sponsored noncitizen is considered indigent. That is, a determination must be made by the CWD on whether the noncitizen's income, including income given to the sponsored noncitizen by the sponsor, exceeds 130 percent of the poverty guideline for the household size. This regulation clearly specifies that if the income is below 130 percent of the poverty level, the sponsored noncitizen is considered indigent without adequate income to obtain food and shelter. When the sponsored noncitizen is found to be indigent, only the actual income the sponsored noncitizen receives directly from the sponsor or others is counted as income. This effectively eliminates the deeming of income requirement of the sponsor to the sponsored noncitizen when income of the sponsored noncitizen is less than 130 percent of the poverty guideline. Deeming of income to the sponsored noncitizen from the sponsor will now only occur when the income of the sponsored noncitizen exceeds 130 percent of the poverty guideline. This new indigent determination will provide sponsored noncitizens, who find themselves in a situation where they are unable to

obtain food and shelter with a means to meet their basic needs.

These regulations were adopted on an emergency basis effective March 1, 2002 and were considered at the Department's public hearing held on May 23, 2002.

Regulation Package #1201-22

Effective 3/6/02

Section 63-403

Assembly Bill 429 (Chapter 111, Statutes of 2001) trailer bill was signed into law on July 26, 2001. A provision of this law amended Section 18930(b)(4) of the Welfare and Institutions Code. The amendment called for the repeal of the sunset date of September 30, 2001, that allowed eligibility to the California Food Assistance program for certain legal noncitizens that entered the United States on or after August 22, 1996. By repealing the September 30, 2001 date, these legal noncitizens will remain eligible indefinitely.

The current state regulations erroneously reflect a sunset date of September 30, 2000. This is due to an oversight from the last regulatory changes.

The section of the regulations that contains the federal eligibility criteria for the Food Stamp program is no longer necessary, and therefore, the regulations are changed accordingly.

These regulations were adopted on an emergency basis effective March 6, 2002 and were considered at the Department's public hearing held on April 17, 2002.

FILING INSTRUCTIONS

Revisions to all manuals will now be shown in graphic screen. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Food Stamp manual changes was FS-02-02.

<u>Page(s)</u>	<u>Replace(s)</u>
59 through 62	Pages 59 through 62
65 and 66	Pages 65 and 66
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Attachment

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63-102	DEFINITIONS (Continued)	63-102
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- (3) "Household Disaster" means a natural event such as flood, tornado, or a devastating event such as a fire.
- (4) "House-to-house trade routes" means any retail food business operated from a truck, bus, pushcart, or other vehicle which can move easily from place to place.
- (i) (1) "Identification (ID) card" means the DFA 287.
- (2) "IEVS" means the Income and Eligibility Verification System (see Section 20-006.1).
- (3) "Immigration and Naturalization Service (INS)" means the Immigration and Naturalization Service, U.S. Department of Justice.
- (4) "Inaccessible Resource" means the resource or vehicle would be exempt from consideration if its equity value is \$1,500 or less.
- (5) "Inadvertent Household Error (IHE)" is any claim for an overpayment resulting from an unintentional error on the part of the household.
- (6) "Indigent Noncitizen" means a sponsored noncitizen whose own income, the cash contributions from the sponsor and from others, including the value of any in-kind assistance the sponsor and others provide is not more than 130 percent of the poverty income guideline for the household size.
- (7) "Initial Application and Certification" means the first application for certification filed, or an application for certification filed after any break in certification.
 - (A) For the purpose of prorating benefits (see Section 63-503.13):
 - 1. The first application for benefits a household has ever filed, or
 - 2. An application for certification filed after any period during which the household was not certified for participation except for migrant and seasonal farm worker households. Migrant and seasonal farm worker households which have a break in participation of 30 days or less shall be considered to have continuous participation.
 - (B) For the purpose of determining verification requirements (see Section 63-300.5):
 - 1. The first application for benefits a household has ever filed, or
 - 2. An application for certification filed after at least a one month break since the household was last certified, or

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- 3. An application received from any household which was immediately previously certified in another project area regardless of whether or not there has been a one month break since the household was last certified.

- (C) For the purpose of determining whether or not it is a beginning month(s) for a household which shall be subject to retrospective budgeting (see Section 63-503.21):
 - 1. The first application for benefits a household has ever filed, or
 - 2. An application for certification filed after at least a one-month break since the household was last certified and retrospectively budgeted.

- (8) "IPV" means intentional Program violation (see Section 20-300.1).

- (9) "Issuance Month" in a monthly reporting and retrospective budgeting system means the month for which a food stamp allotment is issued. The allotment is based on income and circumstances in the corresponding budget month. In prospective budgeting, the budget month and issuance month are the same. In retrospective budgeting, the issuance month is the second month after the budget month.

- (10) "Issued" means an item is disbursed. Therefore, coupons or ATPs are considered issued when deposited in the mail or handed over the counter.

- (11) An "issuing point" means a location operated by the CWD and/or its issuance agent which issues coupons to recipients.

- (j) Reserved

- (k) Reserved

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- (l) (1) "Liquid Resources" means those resources which are in the form of cash or are readily converted into cash. Such resources shall include but may not be limited to cash on hand, money in checking or savings accounts, savings certificates, trust deeds, notes receivable, stocks or bonds, and nonrecurring lump-sum payments unless specifically excluded in Section 63-501.3.
- (m) (1) "Mass change" is defined at Section 63-504.39.
- (2) "Mass Change Notice" means an informational document which is mailed to each household and which meets federal requirements for informational content. See Handbook after Section 63-504.392 for the list of federally required informational elements.
- (3) "Master issuance file" means a cumulative file containing individual household records for all food stamp households indicating household status and the amount of benefits each household is authorized to receive.
- (4) "Meal delivery service" means a political subdivision, a private nonprofit organization, or a private establishment which contracts with a local agency for the preparation and delivery of meals at concessional prices to elderly persons and their spouses; and to the physically or mentally handicapped and their spouses, such that they are unable to adequately prepare all of their meals.
- (5) "Meal provider for the homeless" means a public or private nonprofit establishment that feeds homeless persons, (e.g., soup kitchen or shelter), which has been authorized by the Food and Nutrition Service (FNS) to accept food stamp coupons.
- (6) "Medicaid" means medical assistance under Title XIX of the Social Security Act, as amended.
- (7) Medical licensed practitioner or other qualified health professional authorized by state law include but not be limited to the following: Acupuncturists, Chiropractors, Educational Psychologists, Midwives, Nurse Practitioners, Nurses (Registered, Vocational, Home Administrators and Registry), Physical Therapists, Podiatrists, Psychiatrists, Psychiatric Technicians and Clinical Psychologists.
- (8) "Migrant Farmworker" means an individual who does not live at his/her home, but rather travels from place to place outside the project area in which the individual resides, to seek employment in an agricultural production activity. A migrant household is a household which includes a member who is a migrant farmworker during the certification period.

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- (9) "Mixed Household" means a food stamp household in which less than all members receive public assistance in addition to food stamp benefits. For purposes of these regulations, mixed households shall be considered nonassistance households and shall be subject to the same procedures as nonassistance households except as otherwise specified.
- (n) (1) "Nonassistance Household" means a household which receives food stamp benefits and in which none or less than all of its members also receive public assistance.
- (2) "Nonliquid Resources" means those resources which are not in the form of cash and are not readily converted into cash. Such resources shall include but may not be limited to personal property, licensed and unlicensed vehicles, buildings, land, recreational properties, and any other property, unless specifically excluded in Section 63-501.3.
- (3) "Nonprofit cooperative food purchasing venture" means any private nonprofit association of consumers whose members pool their resources to buy food.
- (4) "Notice of Action" means a form provided to a household informing them of an action which has been or will be taken concerning the household's eligibility status or level of benefits.
- (5) "Notice of Missed Interview (NOMI)" means a notification to the household that it missed its first scheduled interview and that the household is responsible for rescheduling the missed interview within 30 days of the application date.
- (o) (1) "Overissuance" means the amount by which coupons issued to a household exceeds the amount it was eligible to receive.
- (p) (1) "Parental Control"
 - (A) A minor child shall not be considered under the parental control of the individual with whom he/she resides if any one of the following conditions exists:
 - (a) The minor entered into a valid marriage, whether or not such marriage has terminated by dissolution.
 - (b) The minor is on active duty with any of the armed forces of the United States of America. (Note: A person who was in the armed forces but was discharged before reaching the age of 18 could still be considered under parental control.)
 - (c) The minor has been emancipated by a court order.

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- (3) "Record-for-issuance file" means a file which is created monthly from the master issuance file, which shows the amount of benefits each eligible household is to receive for the issuance month and the amount actually issued to the household.
- (4) "Regulations" means the provisions of this manual. Regulatory citations refer to provisions of this manual unless otherwise specified.
- (5) "Refugee Cash Assistance (RCA)" means cash assistance provided under Title IV of the Immigration and Nationality Act to refugees who are ineligible for Aid to Families with Dependent Children (AFDC) or Supplemental Security Income (SSI) and who have resided in the United States for less than a 12-month period from their initial entry into the country.
- (6) "Report Month" means the month in a monthly reporting and retrospective budgeting system during which the CA 7 from the budget month is due and the month during which the household's allotment for the issuance month is calculated. The report month is between the budget month and the issuance month.
- (7) The "reporting point code" is the nine-digit number assigned to each reporting point. In counties in which the CWD itself issues coupons, the project code and the CWD reporting point code will be the same. CWDs not currently issuing but which wish to begin doing so must ensure that their project area code is activated as a reporting point before they begin issuance.
- (8) A "reporting point" means a CWD which prepares and submits an FNS-250 to FNS.
- (9) "Retail food store" means:
 - (A) An establishment or recognized department of an establishment, or a house-to-house trade route, whose eligible food sales volume, as determined by visual inspection, sales records, purchase records, or other inventory or accounting recordkeeping methods that are customary or reasonable in the retail food industry, is more than 50 percent for food items for home preparation and consumption. See Section 63-102(h) for house-to-house trade route definition.
 - (B) Public or private communal dining facilities and meal delivery services, drug addict or alcoholic treatment and rehabilitation programs, public or private nonprofit shelters for battered women and children, or public or private nonprofit group living arrangements which accept food stamps in exchange for meals, and public or private nonprofit establishments that feed homeless persons, (e.g., soup kitchens or shelters), which have been authorized by the Food and Nutrition Service (FNS) to accept food stamp coupons.

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- (C) Drug addict or alcoholic treatment and rehabilitation programs or public or private nonprofit group living arrangements which redeem coupons directly through wholesalers.
- (D) Any private nonprofit cooperative food purchasing venture, including those whose members pay for food prior to receipt of the food.
- (E) A farmer's market.
- (10) "Retrospective Budgeting" means the computation of a household's food stamp allotment for an issuance month based on actual income and circumstances which existed in the budget month.
- (11) "Request for Information (RFI)" means a notification given to the household, prior to the CWD taking any adverse action, that clearly advises the household of verification and clarifications it must provide within 10 days of the request to the CWD.
- (s) (1) "Seasonal Farmworker" means a nonmigrating individual who is employed seasonally in an agricultural production activity during the certification period. A seasonal farmworker household is a household where any member is a seasonal farmworker.
- (2) "Self-employed farmer" means a farmer who receives or anticipates receiving annual gross proceeds of \$1000 or more from the farming enterprise.
 - (A) For the purpose of this section, "farming enterprise" shall be defined as the growing of agricultural products or the raising of livestock for income.
- (3) "Self-employed fisherman" means a fisherman who receives or anticipates receiving annual gross proceeds of \$1000 or more from a fishing enterprise. The fisherman, like a farmer, must produce food and is subject to the same chances as farmers that can result in losses, such as market demands, weather conditions, and the environment. This includes fishermen who are involved in catching or harvesting fish or other types of water life.

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- (10) "Staple food" means those food items intended for home preparation and consumption which include meat, poultry, fish, breadstuffs, cereals, vegetables, fruits, fruit and vegetable juices, and dairy products. Accessory food items, such as coffee, tea, cocoa, carbonated and uncarbonated drinks, candy, condiments, and spices are not staple foods for the purposes of qualifying a firm to participate in the Food Stamp Program as a retail food store.
- (11) "State agency (CDSS)" means the agency of the State Government which has the responsibility for the administration of the federally aided public assistance programs within the state.
- (12) "Statewide Fingerprint Imaging System (SFIS)" is the automated system designed to detect and prevent duplicate participation in the Food Stamp Program by matching the fingerprint images of applicants and recipients against those already in the SFIS database. The county is also required to take a photo image of each household member required to comply with SFIS, using the SFIS equipment.
- (13) A "storage point" means a location where a CWD and/or its issuing agent keeps or stores coupons.
- (14) "Supplemental Security Income (SSI)" means monthly cash payments made under the authority of: (1) Title XVI of the Social Security Act, as amended, to the aged, blind, and disabled; (2) Section 1616(a) of the Social Security Act; or (3) Section 212(a) of Public Law 93-66.
- (15) "Suspended Claim" means a food stamp overissuance claim on which no collection action has been initiated or collection action has ceased in accordance with Section 63-801.5.
- (t) (1) "Terminated Claim" means that the CWD has determined the claim to be uncollectible because the three-year suspension period for the food stamp overissuance claim has expired.
- (2) "Thrifty food plan" means the diet required to feed a family of four persons as determined in accordance with the Secretary's calculations. The cost of such diet shall be the basis for uniform allotments for all households regardless of their actual composition, except that the Secretary shall make household-size adjustments in the thrifty food plan taking into account economies of scale.

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- (3) "Trafficking" means the buying or selling of coupons, access devices or authorization documents such as ATP cards for cash or consideration other than for eligible food, or the exchange of firearms, ammunition, explosives, or controlled substances for food coupons.

- (4) "Transaction receipt" means the document produced in an automated direct access issuance system which can be designed to be signed prior to the issuance of benefits by a household member designated on the ID card or any authorized representative.

- (5) "Transitional housing" means time limited residency to facilitate the movement of homeless individuals and families to permanent housing. The residency shall be determined to be time limited when the household states that their housing situation is temporary, or the CWD or the housing unit imposes a time limit.

- (u) (1) "Underissuance" means the amount by which the allotment to which the household was entitled exceeds the allotment which the household received.

- (v) (1) "Validity period" means the time frame during which a household may obtain benefits by transacting an authorization document or receiving benefits at an issuance point.

- (w) (1) "Wholesale food concern" means an establishment which sells eligible food to retail stores or to meal services for resale to households.

- (x) Reserved

- (y) Reserved

- (z) Reserved

NOTE: Authority cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code. Reference: Sections 10554, 10830, 11486.5 and 18930 through 18934, Welfare and Institutions Code; 8 U.S.C.A. Section 1522(e); 42 U.S.C.A. 601, et seq.; and 42 U.S.C.A. 5122; 7 CFR 272, 7 CFR 272.4(f); 7 CFR 273, 7 CFR 273.1(c)(5); 7 CFR 271.2; 7 CFR 273.2, 2(e)(3), 2(j), (j)(4), and (v)(2)(i)(B); 7 CFR 273.4(a)(3)(ii) and (iv), 4(c), (c)(2), (c)(3)(iv), and (e)(3)(iv); 7 CFR 273.5(a); 7 CFR 273.8; 7 CFR 273.9(c)(1)(ii)(D); and (c)(11)(i) and (ii); 7 CFR 273.11(a)(2)(iii); 7 CFR 273.12(c)(3); and 273.12(e); 7 CFR 273.16(c); 7 CFR 273.18(a)(1)(ii); 7 CFR 273.18(e)(3)(v), (e)(5)(v) and (n)(1)(i); 7 CFR 273.21(b); 7 CFR 274.3(a)(2); 7 CFR 2710.2; 45 CFR 401; 45 CFR 400.62; Public Law (P.L.) 100-77, Section 802; (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal. Feb. 1, 1990) [Dock. No. CV-89-0768]); Section 66011, Education Code; P.L. 102-237, Section 902; 7 U.S.C. 2014(c)(2)(B) and (k)(2)(F); 7 U.S.C. 2022(b)(4); 8 U.S.C. 1631; U.S.D.A. Food and Nutrition Service Administrative Notices 94-39, 97-44, and 98-56; Hamilton v. Madigan (9th Cir. 1992) 961 F.2d 838; Food Stamp Act Section 6(k)(1); P.L. 104-193, Sections 272, 273, 805, 821, and 827 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); Federal Register Vol. 59, No. 224, dated November 22, 1994; Federal Register Vol. 65, No. 130, dated July 6, 2000 and Vol. 65, No. 149 Corrections, dated August 2, 2000, and Federal Register, Vol. 66, No. 229, dated November 28, 2001.

63-103**DEFINITIONS--FORMS****63-103**

(Continued)

- (7) DFA 289 (rev. 4/79) - Food Stamp Program Receptionist's Daily Tally Sheet

The DFA 289 is used to record the daily issuance transactions for each cashier.

- (8) DFA 293 (rev. 4/79) - Cashier's Daily Report

The DFA 293 is used to report the daily transaction activity for each cashier.

- (9) DFA 296 (rev. 10/88) - Food Stamp Program Monthly Caseload Movement Statistical Report

The DFA 296 is used to report data on monthly CWD application processing activities.

- (10) DFA 296 X (rev. 12/88) - Food Stamp Program Expedited Service Quarterly Statistical Report

The DFA 296 X is used to report quarterly data on the CWD's disposition of expedited service requests.

- (11) DFA 300 (rev. 1/80) - Food Stamps Mail Issuance Log

The DFA 300 is used to record mail issuance requests/transactions.

- (12) DFA 303 (rev. 10/90) - Replacement Affidavit/Authorization

The DFA 303 is used to document household replacement requests.

- (13) DFA 358 (rev. 10/88) - Food Stamp Program Participants by Ethnic Group

The DFA 358 is used to report data on Food Stamp recipients by ethnic group.

HANDBOOK BEGINS HERE

- (14) DFA 377.1 (rev.3/02) - Notice of Approval

The DFA 377.1 is the recommended CDSS developed form used to inform a household that its application for participation in the Food Stamp Program has been approved.

- (15) DFA 377.1A (rev. 3/02) - Notice of Denial or Pending Status

The DFA 377.1A is the recommended CDSS developed form used to inform a household that their application for participation in the Food Stamp Program has been denied after the applicant's first missed interview. The form is also used for other purposes, such as denying a household due to failure to provide required verification needed to determine eligibility or to notify the applicant of the pending status of their application.

- (16) DFA 377.2 (rev. 12/83) - Food Stamp Notice of Expiration of Certification

The DFA 377.2 is the recommended CDSS developed form used to inform a household that their certification period will expire soon or be shortened.

- (17) DFA 377.4 (rev. 12/83) - Food Stamp Notice of Change

The DFA 377.4 is the recommended CDSS developed form used to notify a household of any change in eligibility status or benefit level during the certification period.

HANDBOOK ENDS HERE

- (18) DFA 377.5 (rev. 8/90) - Food Stamp Household Change Report

The DFA 377.5 is used to report information on changes in household circumstances by households not subject to monthly reporting requirements.

HANDBOOK BEGINS HERE

- (19) DFA 377.7A (rev. 8/88) - Notice of Administrative Disqualification

The DFA 377.7A is the recommended CDSS developed form used to notify a household of their disqualification based on an Administrative Disqualification Hearing decision.

HANDBOOK CONTINUES

HANDBOOK CONTINUES

- (20) DFA 377.7B (rev. 9/93) - Food Stamp Repayment Notice For Inadvertent Household Errors Only

The DFA 377.7B is the recommended CDSS developed form used to initiate collection action against a household or the sponsor of an alien household for an Inadvertent Household Error.

- (21) DFA 377.7D (rev. 9/93) - Food Stamp Repayment Notice for Administrative Errors Only

The DFA 377.7D is the recommended CDSS developed form used to initiate collection action against a household or the sponsor of an alien household for an Administrative Error.

- (22) DFA 377.7F (rev. 10/93) - Food Stamp Repayment Notice for an Intentional Program Violation (IPV) Only

The DFA 377.7F is the recommended CDSS developed form used to initiate collection action against a household or the sponsor of an alien household for an Intentional Program Violation.

HANDBOOK ENDS HERE

- (23) DFA 377.7C (rev. 9/93) - Food Stamp Repayment Agreement for Inadvertent Household Errors Only

The DFA 377.7C is used to specify the terms under which a household has agreed to repay an outstanding claim determination on an Inadvertent Household Error.

- (24) DFA 377.7E (rev. 4/93) - Food Stamp Repayment Agreement for Administrative Errors Only

The 377.7E is used to specify the terms under which a household has agreed to repay an outstanding claim determination for an Administrative Error.

- (25) DFA 377.7G (rev. 10/93) - Food Stamp Repayment Agreement for an Intentional Program Violation (IPV) Only

The DFA 377.7G is used to specify the terms under which a household has agreed to repay an outstanding claim determination for an Intentional Program Violation.

63-103 (Cont.)	FOOD STAMP REGULATIONS GENERAL PROVISIONS	Regulations
63-103	DEFINITIONS--FORMS (Continued)	63-103

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- (26) DFA 377.9 (rev. 7/90) - Notice of Back Food Stamp Benefits

The DFA 377.9 is the recommended CDSS developed form used to notify a household of their entitlement to a restoration of lost benefits.

- (27) DFA 377.10 (rev. 7/89) - Food Stamp Notice of Disqualification

The DFA 377.10 is the recommended CDSS developed form used to notify a household of its disqualification from the Food Stamp Program for noncompliance with work registration requirements.

HANDBOOK ENDS HERE

- (28) DFA 385 (rev. 11/87) - Application for Emergency Food Stamp Assistance

The DFA 385 is used as the application in disasters.

- (29) DFA 386 (rev. 3/02) – Notice of Missed Interview

The DFA 386 is the recommended CDSS-developed form used to notify the household that it missed its first scheduled interview and that the household is responsible for rescheduling the missed interview within 30 days of the application date. If the household does not reschedule the interview within the 30 days, the DFA 377.1 is sent to the applicant on the 30th day after the application date to deny the application.

- (30) DFA 387 (rev. 3/02) – Request for Information

The DFA 387 is the recommended CDSS-developed form used to notify the household, prior to the CWD taking any adverse action, of verification and clarifications it must provide within 10 days of the request to the CWD. If the household does not respond to the request for information, the food stamp case can be terminated.

- (31) DFA 478 (rev. 6/90) - Disqualification Consent Agreement

The DFA 478 is used in cases of deferred adjudication. Accused individual(s) consent to an appropriate disqualification period with benefit reduction and acknowledge liability for payment of any resulting claim.

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(Continued)

- (32) DFA 479 (rev. 5/89) - Administrative Disqualification Hearing Waiver

The DFA 479 is an agreement wherein an accused individual(s) waives the right to an Administrative Disqualification Hearing (resulting in an appropriate disqualification period with benefit reduction) and acknowledges liability for payment of any resulting claim.

- (33) DFA 842 (rev. 2/87) - Claim Determination Worksheet

The DFA 842 is used to document claim determination computations.

e. Reserved

- f. (1) FNS-33 (rev. 4/78) - File Update - Food Coupon Shipping Point

The FNS-33 is used to report changes in bulk storage reporting and coupon shipment receiving points.

- (2) FNS-46 (rev. 8/89) - Issuance Reconciliation Report

The FNS-46 is used to report the results of monthly reconciliation activities.

- (3) FNS-135 (rev. 7/89) - Affidavit of Return or Exchange of Food Coupons

The FNS-135 is used to document the return or exchange of food coupons.

- (4) FNS-209 (rev. 6/86) - Status of Claims Against Households

The FNS-209 is used to report information on CWD claim determination and collection activities.

- (5) FNS-250 (rev. 10/78) - Food Coupon Accountability Report

The FNS-250 is used to report data on coupon inventories.

- (6) FNS-254 (rev. 1/82) - Food Stamp Program Authorization/Retailer

The FNS-254 is used to authorize a group living arrangement as a retail food store.

- (7) FNS-259 (rev. 5/83) - Food Stamp Mail Issuance Report

The FNS-259 is used to report data on mail issuance activities.

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- (8) FNS-260 (rev. 1/82) - Requisition for Food Coupon Books

The FNS-260 is used to order coupons.
- (9) FNS-261 (rev. 11/78) - Advice of Shipment

The FNS-261 is used by FNS to notify CWDs of the shipment of coupons.
- (10) FNS-292 (rev. 8/77) - Report of Coupon Issuance and Commodity Distribution for Disaster Relief

The FNS-292 is used to report the total number of persons certified for emergency coupon allotments and the total number of such allotments.
- (11) FNS-300 (rev. 2/90) - Advice of Transfer

The FNS-300 is used to report coupon transfers.
- (12) FNS-471 (rev. 4/86) - Coupon Account and Destruction Report

The FNS-471 is used to report the destruction of food coupons.
- (13) FS 8 (rev. 4/90) - Important Information About Required Verifications in the Food Stamp Program

The FS 8 is used to provide applicant/recipient households with information on verification requirements in the Food Stamp Program.

- g. Reserved
- h. Reserved
- i. (1) INS I-688 (any rev. date acceptable) - Temporary Resident Card; INS I-688A - Employment Authorization Card; and INS I-688B - Employment Authorization Document.

The INS I-688, INS I-688A, and INS I-688B are used for the verification of alien status as specified in Section 63-300.51(b)(3)(A).
- (2) INS G-639 (rev. 1/88) - Freedom of Information/Privacy Act Request

The INS G-639 is used for the verification of alien status.

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(Continued)

- (3) INS I-94 (any rev. date acceptable) - Arrival-Departure Record
- The INS I-94 is used to reflect short-term employment authorization in special circumstances.
- (4) INS I-179 (rev. 1/73) - U.S. Citizen Identification Card
- The INS I-179 is an identification card used to identify resident citizens in the United States.
- (5) INS I-551 (any rev. date acceptable) - Resident Alien Card
- The INS I-551 is used to verify alien status.
- j. (1) BC JA 2 CA 2/DFA 285-A2 (rev. 11/92) - Statement of Facts Cash Aid and Food Stamps
- The BC JA 2 CA 2/DFA 285-A2 is completed by applicants and is used to collect the information necessary to determine an applicant's eligibility and benefit level. This form is comparable to DFA 285-A2.
- k. Reserved
- l. Reserved
- m. (1) MC 177-SA-M (rev. 7/89) - Record of Health Cost - Share of Cost
- The MC 177-SA-M is used to verify a Medi-Cal recipient's health care costs.

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- (2) MC 194 (rev. 9/82) - Social Security Administration Referral Notice
- The MC 194 is a recommended form used to verify that an application for a Social Security Number has been completed.
- n. (1) NA 960X (rev. 6/93) - Notice of Action/CA 7 not Received
- The NA 960X is the recommended CDSS developed form used to notify monthly reporting households that a CA 7 has not been received and that benefits may be affected as a result.
- (2) NA 960Y (rev. 8/93) - Notice of Action/CA 7 Incomplete-Discontinuance Reminder

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The NA 960Y is the recommended CDSS developed form used to notify monthly reporting households that a CA 7 is incomplete and that benefits may be affected as a result.

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- o. Reserved
- p. Reserved
- q. Reserved
- r. Reserved
- s. (1) SAWS 1 CA1/DFA 285-A1 (rev. 9/90) - Application for Cash Aid, Food Stamps, and/or Medical Assistance

The SAWS 1 CA1/DFA 285-A1 is completed by applicants and is used to identify households entitled to expedited service. This form is comparable to the DFA 285-A1.
- (2) SAWS 2A CA2/DFA 285-A2/MC210 (rev. 5/92) - Important Information for Applicants and Recipients for Cash Aid, Food Stamps, and Medical Assistance

The SAWS 2A CA 2/DFA 285-A2/MC210 is used to inform applicants for cash aid, food stamps, and medical assistance of important information, including their rights and responsibilities.
- (3) SSA-2853-OP3 (rev. 6/89) - Information About When You Will Receive Your Baby's Social Security Card

The SSA-2853-OP3 is used to verify that an application for a Social Security Number has been filed by a hospital official for a newborn.
- (4) SSA-5028 (any rev. date acceptable) - Receipt of Application for a Social Security Number

The SSA-5028 is used to verify that an application for a Social Security Number has been completed.
- t. Reserved

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	u. Reserved	
	v. Reserved	
	w. Reserved	
	x. Reserved	
	y. Reserved	
	z. Reserved	

NOTE: Authority cited: Sections 10554 and 18904, Welfare and Institutions Code. Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 CFR 273.2(b)(ii), (e) and (f); U.S.D.A. Food and Consumer Services Administrative Notice No. 94-22, dated January 7, 1994, and Federal Register, Vol. 66, No. 229, dated November 28, 2001.

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.38 Beginning Date of Application When CWD is Closed on Normal Work Days

.381 In the event the CWD is closed during the regular eight hours of a working day as defined in Sections 11-601.214 and .215, and an application for Food Stamp benefits is deposited in a drop box, mail slot, or other reasonable accommodation in accordance with Section 11-601.311(b), the "date of application" shall be the date the application is deposited.

.382 In the event the CWD is closed during the regular eight hours of a working day as defined in Sections 11-601.214 and .215, and an applicant calls to make a request for emergency benefits in accordance with Section 11-601.313, the date of application shall be the date the telephone call is received.

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.383 Example: On Friday, when the CWD is closed, an applicant deposits an application for Food Stamp benefits in a mail slot designated for that purpose. The application will be date stamped with Friday's date or it will be otherwise indicated on the application that it was received on Friday, the date of application. Had the applicant made a request for Homeless Assistance, Food Stamp Expedited Services, Medi-Cal, or AFDC Immediate Need via the local telephone service on Friday, the date of application would be Friday and the application would have to be processed within established time frames.

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.4 Interviews

All applicant households, including those submitting applications by mail, shall have face-to-face interviews in a food stamp office or other mutually acceptable location, including a household's residence, with a qualified eligibility worker prior to initial certification and all recertifications except when waived as noted below. Interview requirements for PA and GA applicants are detailed in Section 63-301.6. Interviews conducted in the household's residence must be scheduled in advance with the household. The individual interviewed may be the head of household, spouse, any other responsible member of the household, or an authorized representative. The individual interviewed may bring any person he/she chooses to the interview. The interviewer shall not simply review the information that appears on the application, but shall explore and resolve with the household unclear and incomplete information and document any changes in household circumstances that have occurred between the time the application was filed and the time of the certification interview. Households shall be advised of their rights and responsibilities during the interview, including but not limited to, the appropriate application processing standard, the household's responsibility to report changes, that eligibility will be determined without discrimination, and the availability and amount of the Standard Utility Allowance (SUA). The interview is an official and confidential discussion of household circumstances with the applicant. The applicant shall be made to feel at ease during the interview and in all instances the household's right to privacy shall be respected. Facilities shall be adequate to preserve the privacy and confidentiality of the interview. The scope of the interview shall not extend beyond the examination of household circumstances which directly relate to the determination of household eligibility and basis of issuance.

.41 The CWD at the time of the interview, shall determine which households shall be subject to monthly reporting and/or retrospective budgeting, as specified in Section 63-505.2. Households subject to monthly reporting and/or retrospective budgeting requirements shall be provided with the following at the certification and recertification interviews:

.411 Written and verbal explanations of monthly reporting/retrospective budgeting;

.412 A copy of the CA 7 report and an explanation of how the report shall be completed and submitted;

.413 An explanation of the monthly reporting verification requirements that the household is responsible for meeting;

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- .414 A telephone number (toll-free or a number where collect calls will be accepted from households living outside the local calling area) which the household may call to ask questions or to obtain help in completing the monthly report.

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- .415 The CWD may provide the name of a worker to contact.

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- .42 Waiving the **Face-to-Face** Interview (No Option)

The **face-to-face** interview shall be waived if requested by any household which is unable to appoint an authorized representative and which has no household members able to come to the **interview** because they are 65 years of age or older, or physically disabled and whose members have no earned income. The **face to face** interview shall also be waived if requested by any household which is unable to appoint an authorized representative and lives in a location which is not served by a certification office.

- .43 Waiving the **Face-to-Face** Interview (Case-by-case)

The CWD shall waive the face-to-face interview and instead allow a telephone interview on a case-by-case basis for any household which is unable to appoint an authorized representative and which has no household members able to come to the **interview** because of transportation difficulties or similar hardships which the CWD determines warrant a waiver of **the interview**. These hardship conditions include, but are not limited to: illness, care of a household member, prolonged severe weather, or work hours which preclude a **face-to-face interview**, lack of transportation, or living in a rural or remote area. The CWD shall determine if the transportation difficulty or hardship reported by a household warrants a waiver of **the interview** and shall document in the case file why a request for a waiver was granted or denied.

- .44 When the Interview is Waived

The CWD has the option of conducting a telephone interview or a home visit for those households for whom the **face-to-face** interview is waived. Home visits shall be used only if the time of the visit is scheduled in advance with the household.

Waiver of the face-to-face interview does not exempt the household from the verification requirements, although special procedures may be used to permit the household to provide verification and thus obtain its benefits in a timely manner, such as substituting a collateral contact in cases where documentary verification would normally be provided.

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Waiver of the face-to-face interview shall not affect the length of the household's certification period.

There is no limit to how many times a household may be certified based on telephone interviews. However, the case file must be adequately documented each time the face-to-face interview is waived.

.45 Scheduling Initial Application Interviews

The CWD shall schedule all interviews as promptly as possible to ensure eligible households receive an opportunity to participate within 30 days after the application is filed. The special circumstances of the household, including households with working members, must be considered to the extent practicable, when interviews are scheduled. If a household misses its scheduled interview, the CWD shall send the household a Notice of Missed Interview (NOMI). The CWD shall reschedule if the household requests another interview within 30 days of the initial application filed.

.451 The CWD shall not deny a household's application prior to the 30th day after initial application if the household fails to appear for the first scheduled interview. A NOMI must be sent to the household reminding the household to reschedule their interview prior to the 30th day after application. Only after the NOMI is sent and the household fails to reschedule, can the CWD send a denial notice on the 30th day after application.

.452 If the household requests a second interview during the 30-day application-processing period and is determined eligible, the CWD must issue prorated benefits from the date of application.

.453 If the household fails to keep its second scheduled interview, a notice of denial must be issued no earlier than the 30th day after application.

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Example 1: The household applies on March 1 and is scheduled for an interview by the CWD on March 5. The household misses the first scheduled interview. The household is sent a NOMI and asked to reschedule their interview appointment. They reschedule within 30 days of the application date on March 10. The household keeps their March 10 appointment. The case is processed for eligibility. If eligible, the case is granted as soon as administratively possible and benefits are issued from the date of application. If the household is found to be ineligible for benefits, the case is denied on the 30th day after application.

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Example 2: The household applies on April 5 and is scheduled for an interview by the CWD on April 6. The household fails to appear for the first scheduled interview. The CWD sends a NOMI as soon as administratively possible. The household reschedules a second interview within 30 days of the application date, but fails to appear. The CWD must deny the household on the 30th day following the date of application.

The NOMI process will not impact the recertification process.

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.454 Scheduling Recertification Interviews

- (a) As part of the recertification process, the CWD must conduct a face-to-face interview with a member of the household or its authorized representative at least once every 12 months for households certified for 12 months or less. The requirement for a face-to-face interview once every 12 months may be waived in accordance with Sections 63-300.42 and .43.
- (b) If a household receives PA/GA and will be recertified for food stamps more than once in a 12-month period, the CWD may choose to conduct an in-office face-to-face interview with that household only once during that period. At any other recertification during that year period, the CWD may interview the household by telephone, conduct a home visit, or recertify the household by mail.
- (c) CWDs shall schedule interviews so that the household has at least 10 days after the interview in which to provide verification before the certification period expires.

.455 In-office Interviews During the Certification Period

CWDs may request households to report for an in-office interview during the certification period, but may not require it. If a mutually acceptable location outside the office cannot be agreed upon by the household and the CWD, the interview shall take place in the office.

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For example: the CWD may not require households to report en mass for an in-office interview during their certification period to review the household's case files or for any other reason during the certification period.

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.5 Verification

- (a) Verification is the use of third-party information or documentation to establish the accuracy of statements on the application. Verification and documentation are tools for making this judgement and recording the decision-making process in the case file.
 - (1) Prior to determining eligibility for applicant households, sufficient information concerning the applicant's situation must be obtained in order for the EW to make an informed judgement as to the household's eligibility. The household shall be given at least 10 days from the date of request to provide required verification. If the household does not provide the needed information in the time allotted, the CWD shall issue an adverse notice of action by the 30th day following the application date.
 - (2) During the certification period, the CWD may obtain information about changes in a household's circumstances, other than information reported on the income report, through a third party or the household that the CWD cannot use to clearly determine eligibility and/or benefit amount. The CWD must pursue clarification using the following procedure:
 - (A) The CWD must issue a Request for Information (RFI) which advises the household of the verification it must provide or actions it must take to clarify the household's circumstances.
 - (B) The CWD must allow the household at least 10 days to respond or to clarify its circumstances either by telephone or by correspondence, as the CWD directs.
 - (C) If the household does provide sufficient information to clarify its circumstances, the CWD must issue a notice of adverse action to terminate the household after at least 10 days has been given to the household to respond.
 - (D) If the household responds to the RFI and provides sufficient information, the CWD must act on the new circumstances in accordance with noticing procedures for increases or decreases in benefits.
- (b) If the household's certification cannot be completed by the end of its current certification period due to the 10-day time period allowed for submitting verification, the CWD shall provide benefits within five working days after the verification is received. Benefits shall not be prorated from the date verification is received; the household shall receive a full month of benefits.
- (c) If obtaining verification of a deductible expense may delay the household's certification beyond the normal processing time frame, the CWD shall advise the household that its eligibility and benefit level may be determined without providing a deduction for the claimed, but unverified expense.

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- (d) If the expense cannot be verified within 30 days of the date of application, the CWD shall determine the household's eligibility and benefit level without providing a deduction for the unverified expense. If the household subsequently provides the missing verification, the CWD shall redetermine the household's benefits, and provide increased benefits, if any, in accordance with the timeliness standards in Section 63-504.35 for monthly reporting households and Section 63-504.42 for nonmonthly reporting households.

The household shall be entitled to the restoration retroactive to the month of application of benefits denied as a result of the disallowance of the expense, only if the expense could not be verified within the 30-day processing standard because the CWD failed to allow the household sufficient time, as defined in Section 63-301.4, to verify the expense. If the household would be ineligible unless the expense is allowed, the household's application shall be handled as provided in Section 63-301.4.

For verification requirements for the CA 7, refer to Sections 63-504.325, .326 and .341.

- (e) Mandatory Verification

The CWD shall verify the following information prior to certification for households initially applying:

- (1) Gross Nonexempt Income

Gross nonexempt income shall be verified for all households prior to certification. However, where all attempts to verify the income have been unsuccessful because the person or organization providing the income has failed to cooperate with the household and the CWD and all other sources of verification are unavailable, the CWD shall determine an amount to be used for certification purposes based on the best available information. Best available information may include an applicant's affidavit.

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.6 Receipt of Verification/Documentation

Upon request, CWDs shall provide a written receipt to any applicant or recipient who hand delivers documents that have been requested by the CWD. Receipts shall only be provided for documents which have been delivered in person to a CWD employee other than the applicant's or recipient's regularly assigned caseworker and to the location in which or through which the caseworker and to the location in which or through which the caseworker conducts his or her business. (Only one receipt is required for monthly income reports and their supporting documents.)

.61 Notice of Right to a Receipt

CWDs shall post a notice of the applicant's or recipient's right to a receipt in a prominent location and in an area where documents are regularly received.

.62 Exemptions from Receipt Requirements

.621 A CWD which maintains a system of logging hand delivered documents shall be exempt from the requirement to provide a receipt or post notice of right to a receipt.

.622 A CWD which provides receipts for all hand delivered documents without a request by an applicant or recipient shall be exempt from the notice posting requirement.

.623 A CWD which receives monthly income reports and other requested documents which have been mailed by the applicant or recipient shall not be subject to the requirements in this section.

NOTE: Authority cited: Sections 10554 and 18904, Welfare and Institutions Code. Reference: Sections 10554, 11023.5, 11348.5, 18904, and 18932, Welfare and Institutions Code; 7 Code of Federal Regulations (CFR) 273.2(b)(ii), (c)(2)(i) and (ii), (c)(3), (c)(5), (e)(1), (e)(2), (e)(3), (f)(1)(i)(C), (ii)(B)(1), (2), (3), and (C), and (iii)(h)(1)(i)(D), and proposed (f)(1)(xii) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, (f)(3), (f)(3)(ii), (f)(8), (h), (h)(1)(i)(D), and (j)(1); 7 CFR 273.4(a)(2) and (10) and (c)(2); 7 CFR 273.12(c) and (c)(3); 7 CFR 273.14(b)(3)(i), (iii) and (b)(4) and (e); 7 CFR 273.21(h)(2)(iv), (i), and (j)(3)(iii)(B); USDA Food and Nutrition Service Office, Western Region, Administrative Notice 84-56, Indexed Policy Memo 84-23; 7 U.S.C.A. 2020(e)(2); Americans with Disabilities Act (ADA), Public Law (P.L.) 101-336, 1990; U.S.D.A., Food and Consumer Services, Administrative Notice No. 94-22, dated January 7, 1994; Chapter 306, Statutes of 1988, and AB 1371, Chapter 306, Statutes of 1995; Blanco v. Anderson Court Order, United States District Court, Eastern District of California, No. CIV-S-93-859 WBS, JFM, dated January 3, 1995, and Federal Register, Vol. 66, No. 229, dated November 28, 2001.

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63-301 APPLICATION PROCESSING TIME STANDARDS**63-301****.1 Normal Processing Standard**

The CWD shall provide eligible households that complete the initial application process an opportunity to participate as soon as possible, but not later than 30 calendar days following the date the application was filed. See Table I. An application is filed the day the appropriate food stamp office receives an application containing the applicant's name and address, which is signed by either a responsible member of the household or the household's authorized representative. Households entitled to expedited processing are specified in Section 63-301.5.

.2 Opportunity to Participate

An opportunity to participate consists of providing households with coupons, an authorization document, or an access device and having an issuance facility open and available for the household to obtain its allotment. If the coupons, authorization document or access device are mailed, the CWD shall assure that the benefits can be transacted or the coupons are available for use after receipt but before the 30-day standard expires (see Section 63-102c.(5)). A household has not been provided an opportunity to participate if the coupons, authorization document or access device are mailed on the 29th or 30th day. Nor has an opportunity to participate been provided if the authorization document or access device is mailed on the 28th day but no issuance facility is open on the 30th day.

.3 Denying the Application

Households determined to be ineligible shall be sent a notice of action denying their application as soon as possible but not later than 30 days following the date the application was filed.

.31 The CWD shall not deny eligibility to a household due to failure to cooperate when the person(s) who fails to cooperate is outside of the household.

.311 Excluded household members specified in Section 63-402.22 shall not be considered outside of the household for the purposes of Section 63-301.31.

.32 If the household has failed to appear for one scheduled interview and has made no subsequent contact with the CWD to express interest in pursuing the application, the CWD shall send a NOMI as soon as possible. The CWD shall reschedule if the household requests another interview within 30 days of the initial application date. The CWD must not deny a household's application prior to the 30th day as described in Section 63-300.45(a). The CWD must pro-rate benefits from the date of application if the household schedules a second interview within 30 days of the application date and is found eligible as described in Section 63-300.45(b).

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued) 63-301

.33 In cases where the CWD was able to conduct an interview and request all of the necessary verification on the same day the application was filed, and no subsequent requests for verification have been made, the application may be denied if the CWD provided assistance to the household in obtaining verification when required as specified in Section 63-300.55 but the household failed to provide the requested verification. The CWD may send a notice of action denying the application on or before the 30th day following the date the application was filed, to be effective the 30th day following the date the application was filed.

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NORMAL PROCESSING AND DENYING THE APPLICATION

Filing of Application Starts 30 day process	Action	Action in Second 30 Day Period	Original Month of Application Benefits
<p>o HH completed application, was interviewed, supplied necessary verification, registered for work as appropriate.</p>	<p>Determine eligibility for month of application and ongoing</p> <p>If eligible certify and issue benefits by 28th day.</p> <p>.....</p> <p>One/two month certs, issue NEC/approval.</p>	<p>Eligibility continues</p> <p>.....</p> <p>(One/two month certs have reapplied timely and were processed.)</p>	<p>Yes, if eligible</p>

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| o HH fails to show for first scheduled interview and does not contact agency to reschedule within 30 days of app. | NOMI must be sent to HH. If HH does not reschedule, denial notice must be sent on 30th day. | HH must reapply. | No. |
| o HH schedules 2nd interview within 30 days of app. and is determined eligible. | Issue prorated benefits from date of application. | Issue benefits. | Yes. |
| o HH fails to show for 2nd interview. | Denial notice when administratively possible, but not before the 30th day of application. | Case is reopened without a new application if action taken within 30 days of denial. HH loses entitlement to benefits for 1st 30 days. | No. |
| o Request for verification on day application is filed, HH does not provide verification. Verification not received within 10 days of request. | Send denial notice on or before 30th day to be effective 30th day after application. | Case reopened without new application if required action taken within 60 days of date of application. | No. |

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.4 Delayed Actions

If the county welfare department does not determine a household's eligibility and provide an opportunity to participate within 30 days of the date the application was filed, the county welfare department shall take the following action:

.41 Determining Cause

The CWD shall first determine the cause of the delay using the following criteria:

.411 A delay shall be considered the fault of the household if the household has failed to complete the application process even though the CWD has taken all the action it is required to take to assist the household. The CWD must have taken the following actions before a delay can be considered the fault of the household:

- (a) For households that have failed to complete the application form, the CWD must have offered, or attempted to offer, assistance in its completion.
- (b) In cases where verification is incomplete, the CWD must have provided the household with the FS 8; assistance when required, as specified in Section 63-300.55; and sufficient time to provide the missing verification. Sufficient time shall be at least 10 days from the date of the initial request for the particular verification that was missing.

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(c) For households that have failed to appear for an interview, the CWD must have attempted to reschedule the initial interview within 30 days of the date the application was filed. However, if the household has failed to appear for the first interview and a subsequent interview is postponed at the household's request or cannot otherwise be rescheduled until after the 20th day, but before the 30th day following the date the application was filed, the household must appear for the interview, bring verification, and register members for work by the 30th day; otherwise the delay shall be the fault of the household. If the household has failed to appear for the first interview and a subsequent interview is postponed at the household's request until after the 30th day following the date the application was filed, the delay shall be the fault of the household. If the household has missed both scheduled interviews and requests another interview, any delay shall be the fault of the household.

.412 Delays that are the fault of the CWD include, but are not limited to, those cases where the CWD failed to take the action described above in Sections 63-301.411 (a through c).

.42 Delays Caused by the Household

If by the 30th day of the application processing period, the CWD cannot take further action on the application due to the fault of the household, the household shall lose its entitlement to benefits for the month of application. The CWD has the option either to deny or pend the application and to notify the household of the action taken by sending the household a notice of action either denying or pending the application. The option chosen by the CWD shall apply to all households within the county. If the application is to be denied, the CWD must send a notice of denial on the 30th day after application for missed interview, or by the 30th day if verification has not been received, to be effective on the 30th day. If the application is held pending, the CWD shall send the household a notice of pending status on the 30th day after application.

.421 If the application is denied, the CWD shall notify the household of the action it must take to reactivate its application; that the case will be reopened without a new application if the required action is taken within 30 days of the date the denial notice of action denying the application becomes effective (30 days after the date of application); and that if the household does not take the required action within the second 30-day period (60 days of the date of application), a new application must be submitted in order to participate in the Food Stamp Program.

(a) If the household fails to take the required action within 60 days following the date the application was filed, no further notice shall be provided by the CWD.

63-301	APPLICATION PROCESSING TIME STANDARDS (Continued)	63-301
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- .422 If the application is held pending, the CWD shall notify the household of the action it must take to complete the application process, and that if the household does not take the required action within 60 days of the date the application was filed, its application shall be denied and a new application must be submitted if the household wishes to participate in the Food Stamp Program.
- (a) If verification has not been provided, the CWD has the option of pending the application for only 30 days following the date of the initial request for the particular verification that is missing.
 - (b) If the household fails to take the required action by the date specified on the notice of action, the CWD shall deny the application without providing further notice to the household.
- .423 If the household responds and is determined eligible during the second 30-day period, the CWD shall provide benefits only from the date the CWD received verification that the household completed the required action.
- .424 If the household responds and is determined ineligible during the second 30-day processing period, the CWD shall deny the application and provide the household with a notice of action informing them of the denial.
- .43 Delays Caused By the CWD
- .431 Whenever a delay in the initial 30-day application processing period is the fault of the CWD, the CWD shall take immediate corrective action. The CWD shall not deny the application but instead shall continue to process the application and send the household a notice of action informing them of the pending status of their application by the 30th day following the date the application was filed.
- (a) If the case file is not complete enough to determine eligibility, the pending status notice of action shall indicate any action necessary by the household to complete the application process.

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- (b) If the household fails to respond, the CWD shall take action on the application during the second 30-day processing period as provided in Sections 63-301.422(a) and (b).
- .432 If the household is determined eligible during the second 30-day period, the CWD shall provide benefits retroactive to the date of the application. If the household is determined ineligible during the second 30-day processing period the application shall be denied and the CWD shall provide the household with a notice of action denying their application.
- .44 Delays Beyond 60 Days
 - .441 If the CWD is at fault for not completing the application process by the end of the second 30-day period, and the case file is otherwise complete, the CWD shall continue to process the original application and any supplemental information provided by the household until an eligibility determination is made.
 - (a) If the household is determined eligible, the CWD shall provide benefits to the household as follows:
 - (1) If the CWD was at fault for the delay in the initial 30-day period, the household shall receive benefits retroactive to the date of application.
 - (2) If the initial delay was the household's fault, the household shall receive benefits retroactive only to the date the CWD received verification that the household completed the required action.
 - (b) If the household is determined ineligible, the CWD shall deny the application and provide the household with a notice of action denying their application.

(c)

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DELAYED ACTIONS

30 Days After Filing of Application	Action on 30th Day	Action in Second 30 Day Period	Month of Application Benefits?
HH has not completed app OR HH has not registered for work OR HH has not supplied verification OR HH missed 1st interview and did schedule 2nd interview a. past 20th day and did not supply verification/register by 30th day b. past 30th day	Denial or pending notice (option must apply to all households in county)	HH takes necessary action: reopen application	No
		HH takes no action: no action by CWD	No
Verification requested on 2nd thru 20th day; HH does not supply verification	Option to pend 30 days from request for verification	HH takes necessary action: reopen application HH takes no action: no action by CWD	No
CWD did not offer assistance; CWD did not give HH at least 10 days to supply verification, requested.* HH did schedule 2 nd interview within 30 days of application, but CWD did not follow through.	Pending Notice If verification is lacking, option to pend 30 days from day of request for verification.	CWD must take action to complete certification HH must supply verification	Yes, if eligible

* Note: 10 days is minimum not maximum period; CWD can deny by the 30th day after application was filed if the applicant did not provide requested verification within 10 days from the date it was requested.

HANDBOOK ENDS HERE

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued) 63-301

.825 The following individuals shall not be included as a member of an otherwise categorically eligible household if that person:

- (a) Is disqualified for intentional Program violation;
- (b) Is not the head of household and disqualified for failure to comply with the work requirements specified in Section 63-407.1;
- (c) Fails to provide or apply for a social security number;
- (d) Is an ineligible alien;
- (e) Is an ineligible student;
- (f) Is an SSI recipient; or
- (g) Is institutionalized in a nonexempt facility as specified in Section 63-402.4.

.9 Mixed Food Stamp Households

Mixed food stamp (FS) households are FS applicant households in which some, but not all, members are in the PA assistance unit (AU).

.91 CWDs may use the joint application processing procedures in Section 63-301.6 for mixed FS households. This decision shall not be made on a case-by-case basis, but shall be applied uniformly to all households of this type in the county.

.92 Mixed FS households shall not be considered categorically eligible for food stamp benefits.

.93 CWDs shall exclude any resource of FS household members receiving PA. If a resource is jointly held by a Food Stamp household member who is receiving PA and a Food Stamp household member who is not receiving PA, then exclude the amount that was counted in determining the PA eligibility.

63-301	APPLICATION PROCESSING TIME STANDARDS (Continued)	63-301
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.94 Mixed FS households must meet the food stamp gross and net income standards of eligibility.

NOTE: Authority cited: Sections 10554 and 18904, Welfare and Institutions Code. Reference: Sections 10554, 18901, and 18904, Welfare and Institutions Code; Section 11349.1, Government Code; 7 Code of Federal Regulations (CFR) 271.2; 7 CFR 272.3(c)(1)(ii); 7 CFR 273.2(d)(1), (e)(3), (h)(1)(C), (h)(1)(i)(B) and (D), (h)(2)(i)(A), (i)(4)(iii)(B), (j), (j)(1), (j)(1)(iv), (j)(2)(iii) and (iv), (j)(3), (j)(4), and (j)(4)(vi); 7 CFR 273.4; 7 CFR 273.7 and .7(g)(1)(i); 7 CFR 273.8(e)(17); 7 CFR 273.9(d)(7) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; 7 CFR 273.10(c)(1) and (g)(1)(ii); 7 CFR 274.2; (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal. Feb. 1, 1990) [Dock. No. CV-89-0768].); Public Law (P.L.) 102-237, Sections 902 and 905, as specified in Federal Administrative Notice 92-12, dated January 9, 1992; USDA, Food and Consumer Service, Administrative Notice 97-105, dated August 21, 1997; and P.L. 104-193, Sections 815 and 838 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); Food and Consumer Service Waiver dated May 24, 1996; Federal Food Stamp Policy Memos 82-9 dated December 8, 1981, and 88-4 dated November 13, 1987, and Federal Register, Vol. 66, No. 229, dated November 28, 2001.

63-402	HOUSEHOLD CONCEPT (Continued)	63-402
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- .82 Households with striking members shall be ineligible to participate in the Food Stamp Program unless the household was eligible one day prior to involvement in the strike action and on the date of application. The CWD shall perform two separate eligibility determinations.
- .821 To determine pre-strike eligibility, consider the day prior to the member's involvement in the strike as the day of interview and assume the strike did not occur.
- .822 To determine eligibility, compare the striking member's income before the strike to the striker's income which can be anticipated with reasonable certainty during the strike, (e.g., income from the receipt of strike benefits or temporary employment during the strike). The higher of the two amounts shall be added to the income of nonstriking members during the month of application.
- .823 To determine benefits, deductions shall be calculated for the month of application as for any household. Whether the striker's prestrike income or income during the strike is used, the earned income deduction shall be allowed if applicable. Benefit level of an eligible striker household is based on current circumstance except for income as specified above.
- .83 CWDs shall use the method as specified in Section 63-402.82 in determining benefits and eligibility for continuing households when a member becomes involved in a strike. Such a household shall not receive an increased allotment as the result of a decrease in the income of the striking member(s) of the household.
- .84 The household's income immediately prior to the involvement in the strike action at the date of application shall be verified at the time of application. Any anticipated income during the strike shall also be accounted for at this time. It is the responsibility of the household to provide the CWD with verification of such income for the purpose of determining eligibility and benefit levels in accordance with Section 63-300.5.
- .85 Strikers shall be subject to the work registration requirements unless exempt under Section 63-407.2.

NOTE: Authority cited: Sections 10554 and 18904, Welfare and Institutions Code. Reference: Sections 10554, 11251.3, 11486.5, and 18904, Welfare and Institutions Code; 7 Code of Federal Regulations (CFR) 273.1(a)(1) through (a)(2)(ii) through (b)(2)(iii), (c), (c)(1), (c)(6), 7 CFR 273.1(d)(1) and (2), (e)(1), and (g); 7 CFR 273.2(j)(4); 7 CFR 273.9(b)(2)(ii); 7 CFR 273.10(c)(1)(i); 7 CFR 273.11, .11(b)(1) and (f); 7 CFR 274.5 and 7 CFR 274.10; Public Law (P.L.) 100-77, Section 802; P.L. 103-66; USDA Food and Nutrition Service (FNS), Administrative Notice (AN) 89-65; AN 94-39; AN 98-43; USDA FNS Policy Memo 89-11 and 89-12; 7 U.S.C. 2015(d)(1), P.L. 104-193, Sections 115, 803, 815, and 821 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); and the Balanced Budget Act of 1977 (Sections 5516 and 5518).

63-403 CALIFORNIA FOOD ASSISTANCE PROGRAM (CFAP)

63-403

.1 Noncitizen Eligibility

Certain legal noncitizens of the United States (U.S.) shall be eligible for CFAP if they are not eligible for federal Food Stamp (FS) benefits, based solely on their immigration status under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Legal presence can be verified through INS at application [i.e. Systematic Alien Verification for Entitlements (SAVE) System]. Legal noncitizens whose time limit has expired for the federal program but would otherwise remain eligible for federal benefits are eligible for CFAP.

.2 Application of Existing Regulations

Current federal FSP regulations contained in the State FSP Manual (Division 63 of the CDSS Manual of Policies and Procedures) will apply to the CFAP and its participants unless otherwise stated. For CFAP recipients who do not meet exemptions from deeming, the period for deeming of a sponsor's income and resources shall be three years from the date of the sponsor's execution of the 213a affidavit of support. Victims of abuse by their sponsor or sponsor's spouse shall be exempt from deeming.

.3 CFAP work requirements are provided in Section 63-411.

.4 Combined Households

For CFAP purposes, combined households are those which contain participants of the federal FSP and CFAP. No household shall receive more food stamp benefits under CFAP than it would have received if all members had remained eligible for the federal FSP.

NOTE: Authority cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code. Reference: Sections 11320.3, 11495.12 and 18930 through 18934, Welfare and Institutions Code; Sections 18930, 18930(b)(4) (as amended by AB 429, Chapter 111, Statutes of 2001), 18930.5 and 18932, Welfare and Institutions Code (as amended by AB 1111, Chapter 147, Statutes of 1999); 7 CFR 273.4; Federal Register, Vol. 61, No. 202, dated 10/17/96; Federal Register, Vol. 52, No. 103, dated May 29, 1987; and USDA, Food and Consumer Service, Administrative Notice 97-105, dated August 21, 1997.

63-404 SOCIAL SECURITY NUMBERS 63-404

- .1 Applicant or recipient households shall provide the CWD with the social security number (SSN) of each household member or shall provide verification of application for an SSN prior to certification. If individuals have more than one number, all numbers shall be required.
- .11 The CWD shall explain to applicants and recipients that refusal or failure without good cause to provide or apply for an SSN shall result in disqualification of the individual for whom the SSN is not obtained. The CWD shall send the household a notice of action explaining the effect of the disqualification on the eligibility and allotment of the remaining household members.
- .12 For those individuals who provide SSNs prior to certification, recertification, or at any office contact, the CWD shall record the SSN and verify in accordance with Section 63-404.6.

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63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS 63-503
(Continued)

- (2) For monthly reporting households, the group living arrangement, if possible, shall provide the household with a CA 7, and instruction on completing it. However, the household is responsible for reporting the changes in household circumstances to the CWD.
 - (c) If a resident or a group of residents apply on their own behalf and if they retain use of their own coupons, these individuals are entitled to keep the coupons when they leave. If a group of residents have applied as one household, a pro rata share of the remaining coupons shall be provided to any departing member.
 - (1) For nonmonthly reporting households, the group living arrangement shall, if possible, provide the household with a DFA 377.5 to report to the CWD the individual's new address and other changes in circumstances after leaving the group living arrangement and shall advise the household to return the form to the CWD within 10 days.
 - (2) For monthly reporting households, the group living arrangement, if possible, shall provide the household with a CA 7, and instruction on completing it. However, the household is responsible for reporting the changes in household circumstances to the CWD.
 - (d) The group living arrangement shall return to the CWD any coupons it was unable to return to departing residents.
- .486 The provisions of Section 63-503.476 shall also apply to all group living arrangements.

.49 Households with Sponsored Noncitizens

The income and resources of a sponsor and the sponsor's spouse (if he or she has executed an INS Form I-864 or I-864A), shall be deemed to be the unearned income and resources of an eligible sponsored noncitizen and shall be considered in determining the eligibility and/or benefit level of the household of which the sponsored noncitizen is a member.

- .491 The sponsored noncitizen is subject to the sponsorship provisions until the sponsored noncitizen:
- (a) achieves United States citizenship through naturalization; or
 - (b) has 40 qualifying quarters as specified in Section 63-405.4; or
 - (c) leaves the United States permanently; or

63-503	DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS	63-503
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(Continued)

- (d) dies.
 - (1) The sponsor's support obligation also terminates when the sponsor dies.

- .492 The following noncitizens are exempt from provisions for sponsored noncitizens:
 - (a) A noncitizen who is participating in the Food Stamp Program as a member of his/her sponsor's household or a noncitizen whose sponsor is participating separate and apart from the noncitizen;
 - (b) A noncitizen who is sponsored by an organization or group as opposed to an individual;
 - (c) A noncitizen who is not required to have a sponsor under the Immigration and Nationality Act, such as, but not limited to, a refugee, a parolee, one granted asylum, and/or a Cuban or Haitian entrant.
 - (d) An indigent noncitizen as determined to have income that does not exceed 130 percent of the poverty guideline for the household size.
 - (1) If a determination is made by the CWD that an indigent sponsored noncitizen's income as described in Sections 63-102(1)(11) and 63-503.492(d) does not exceed 130 percent of the poverty guideline for the household size, deemed income and resources from the sponsor or the sponsor's spouse is not attributed to the sponsored noncitizen.
 - (A) In these cases, the amount of income and resources of the sponsored noncitizen plus any income and resources the sponsor and/or the sponsor's spouse and/or others actually give to the sponsored noncitizen shall be considered the income and resources of the sponsored noncitizen.
 - (B) This exception applies for a period beginning on the date of such indigency determination and ending 12 months from that date. The 12-month exception period is renewable for additional 12-month periods.
 - (C) The CWD must notify the Attorney General at least annually of each indigency determination, including the names of the sponsor and the sponsored noncitizen involved.

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS 63-503
(Continued)

(D) The CWD must inform the sponsored noncitizen either orally or in writing, of the requirement to notify the Attorney General of the indigent determination. The sponsor shall also be notified if administratively possible.

- (e) A battered noncitizen as specified in Section 63-405.5.
 - (1) The battered noncitizen is exempt from sponsorship requirements for 12 months after the CWD has determined there is a substantial connection between the abuse/battery and the need for benefits as specified in Section 63-405.55 and the battered individual does not live with the batterer.
 - (2) After 12 months, the batterer's income and resources will not be deemed if the battery is recognized by a court or the INS and has a substantial connection to the need for benefits and the noncitizen does not live with the batterer.

.493 Eligibility and Benefit Level

- (a) Income
 - (1) Income deemed available to the noncitizen is determined as follows:
 - (A) Take the total monthly earned and unearned income of the sponsor and the sponsor's spouse if the spouse has also executed an I-864 or I-864A at the time the household containing the sponsored noncitizen applies or is recertified.
 - (i) For the portion of income determined to be earned income of the sponsor and the sponsor's spouse, deduct 20 percent and
 - (ii) Deduct the food stamp monthly gross income eligibility limit for a household equal in size to the sponsor's household, i.e. the sponsor, the sponsor's spouse and any other person who is claimed or could be claimed by the sponsor, or the sponsor's spouse as a dependent for federal income tax purposes.

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS 63-503
(Continued)

- (B) If the noncitizen has already reported gross income information on his/her sponsor, due to Temporary Assistance to Needy Families (TANF) sponsored noncitizen rules, that income amount may be used for Food Stamp Program deeming purposes. However, allowable deductions to be applied to the total gross income of the sponsor and the sponsor's spouse, prior to attributing an income deduction to the noncitizen, shall be limited to the earned income amount and the Food Stamp Program gross monthly income amount stated above.
- (2) Direct cash payment to the noncitizen by the sponsor or the sponsor's spouse shall not be considered as income to the noncitizen unless the amount paid exceeds the amount of the sponsor's income deemed available to the noncitizen. Only the portion of the amount paid that actually exceeds the deemed amount would be considered income to the noncitizen in addition to the deemed income amount.
- (b) Resources
- (1) Resources of the sponsor and sponsor's spouse as determined by Section 63-501 deemed to be that of the noncitizen shall be the total amount of their resources reduced by \$1,500.
- (c) Treatment of Income and Resources of More Than One Sponsored Noncitizen
- If a sponsored noncitizen can demonstrate to the CWD that his/her sponsor sponsors other noncitizens, then the income and resources deemed under this section shall be divided by the number of such noncitizens that apply for, or are participating in the Food Stamp Program.
- If such information about other aliens for whom the sponsor is responsible is not provided to the CWD, the deemed income and resource amounts calculated shall be attributed to the applicant alien in their entirety until such time as the information is provided.
- (d) Changing Sponsors
- If the noncitizen changes sponsors during the certification period, then deemed income/resources shall be recalculated based on the required information of the new sponsor. See Section 63-403.33. The reported change would be handled in accordance with the time frames and procedures in Sections 63-504.3 and .4 as appropriate.
- (e) Repealed by CDSS Manual Letter No. FS-01-02, effective 6/1/01.

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS 63-503
(Continued)

NOTE: Authority cited: Sections 10554 and 18904, Welfare and Institutions Code. Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 Code of Federal Regulations (CFR) 271.2; 7 CFR 272.3(c)(1)(ii); 7 CFR 273.1(b)(2)(iii), (c)(3)(i), (ii) and (e)(1)(i) as published in the Federal Register, Volume 59, No. 110 on June 9, 1994; 7 CFR 273.2(j)(4); 7 CFR 273.4(c)(2), (c)(2)(i), (c)(2)(i)(A), (c)(2)(iv), (c)(2)(v), (c)(3)(v), and (e)(1) and (2); 7 CFR 273.9(b)(1)(ii) and (b)(2)(ii); 7 CFR 273.10; 7 CFR 273.10(a)(1)(iii)(B); 7 CFR 273.10(c)(2)(iii), (c)(3)(ii), proposed amended 7 CFR 273.10(d) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; (d)(1)(i), (d)(2), (d)(3), (d)(4), and proposed (d)(8) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, and proposed amended 7 CFR 273.10(e)(1)(i)(E-H) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; 7 CFR 273.11(a)(1)(i) through (iii), (a)(2)(i), (b)(1), (b)(1)(i) and (ii), (c), (c)(1), (c)(2)(iii), (c)(3)(ii), (d)(1), and (e)(1); 7 CFR 273.12(c)(3)(iv); 7 CFR 273.21(f)(2)(ii), (iii), (iv), and (v), (g)(3), (j)(1)(vii)(B), and (S); (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal. Feb. 1, 1990) _____ F. Supp. _____; Waiver Letter WFS-100:FS-10-6-CA, dated October 2, 1990, U.S.D.A., Food and Consumer Services; Administrative Notice No. 89-12, No. 92-23, dated February 20, 1992, No. 94-39, and No. 94-65; Public Law (P.L.) 100-435, Section 351, and P.L. 101-624, Section 1717; [7 United States Code (U.S.C.) 2012, 2014(e), and 2017(c)(2)(B)]; 7 U.S.C. 2015(d)(1); 8 U.S.C. 1631, P.L. 104-193, Sections 115, 815, 821, 827 and 829 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); Federal Food Stamp Policy Memos 82-9 dated December 8, 1981, and 88-4 dated November 13, 1987, and Federal Register, Vol. 66, No. 229, dated November 28, 2001.

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